

REMARKS/ARGUMENTS

Favorable reconsideration of this application in light of the following discussion is respectfully requested.

Claims 1-52 are pending in this case.

Claims 1-16, 20, 21, 42, 44-48, 51, and 52 were rejected under 35 U.S.C. §102(e) as anticipated by Tomisaki et al. (U.S. Patent No. 6,696,687, herein "Tomisaki"). Claims 17-19 were rejected under 35 U.S.C. §103(a) as unpatentable over Tomisaki.

It is respectfully submitted that that the rejection based on Tomisaki has been overcome by the enclosed declaration under 37 C.F.R §1.132. In this declaration Takayuki Tomisaki and Manabu Tanaka declare that they are the inventors of the present invention, and co-inventors of the invention disclosed in U.S. Patent No. 6,696,687. The inventors further declare that they conceived the subject matter disclosed in U.S. Patent No. 6,696,687 that is common to United States Patent Application No. 10/611,847. Accordingly, U.S. Patent No. 6,696,687 is not the work of "another." (See M.P.E.P. §§706.02(b) and 2132.01) Thus, it is respectfully submitted that the rejection of Claims 1-16, 20, 21, 42, 44-48, 51, and 52 under 35 U.S.C. §102(e) as anticipated by Tomisaki has been overcome.

Further, as all the rejections of record rely on Tomisaki, it is respectfully submitted these rejections are traversed.

Since the claims have not been amended in response to any rejection on the merits, a further rejection of these claims based on newly cited prior art in the next communication cannot properly be considered a Final Office Action.

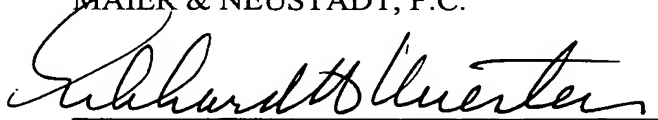
Application No. 10/611,847
Reply to Office Action of November 16, 2005

Accordingly, the pending claims are believed to be in condition for formal allowance.

An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Eckhard H. Kuesters
Attorney of Record
Registration No. 28,870

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/03)

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